IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18375 of 1997

Between:

1 Mohd. Abdul Bari, S/o. Late Abdul Khaliq
R/o. 5-1-88/1,Gunjstreet, Jagtial, Karimnagar Dist.
2 Mohd. Abdul Taqui, S/o.Late Md. Abdul Khaliq,
R/o. 5-1-88/1,Gunjstreet, Jagtial , Karimnagar Dist.

..... PETITIONERS

AND

1 The Govt. of A.P., rep.by its Secretary, Irrigation & Command Area Development, dept., Secretariat, Hyderabad.
2 The Chief Engineer, & L & CAD, Minor Irrigation.
A.P., Hyderabad.
3 The Dist. Collector, Karimnagar.
4 The Superintending Engineer I & CAD, Irrigation Circle,
Nirmal, Adilabad.
5 The MRO/LAO, Yellareddypet Mandal, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Mandamus directing the respondents 1 & 2 herein to provide necessary funds for completion of the acquisition proceedings with regard to the lands which were acquired by issuing 4(1) Notification which was published in A.P. Gazette part-I extraordinary No. 25, dated. 20-4-90 with regard to the lands acquired for the purpose of construction of Dharmaram tank and also direct the respondents 3 and 5 herein to complete all the acquisition proceedings including passing of award and payment of Compensation within 2 months from the date of passing of the order in the Writ petition by duly declaring the action of the respondents in this Case in not completing the acquisition proceedings even after taking possession of the lands in the year 1971 and even after issuance of 4(1) Notification in the year 1990 as illegal , arbitrary and violative of Art. 14 and 300-A of the Constitution of India.

Counsel for the Petitioners: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA

DEV.

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Irrigation.

By this writ petition, the petitioners seek a direction to respondent Nos.1 and 2 to provide necessary funds for completion of acquisition proceedings with regard to the lands which were acquired by issuing a notification under Section 4(1) of the Land Acquisition Act published in A.P. Gazettee Part-I extraordinary No.25, dated 20-4-1990, for the purpose of construction of Dharmaram Tank, and also a direction to respondent Nos.3 and 5 to complete all the acquisition proceedings including passing of award and payment of compensation within two months.

The fourth respondent filed an additional counter-affidavit stating that based on the proposals approved by the government the construction work of Dharmaram Tank at Adavipadira village, karimnagar District was taken up. It is also stated that several persons claimed compensation for the land coming under the submergence of the tank, stating that some have become owners by virtue of 38 E certificates, some claimed to be the purchasers from original pattedar apart from the claim made by the petitioners herein, and in view of the said dispute, the award amount of Rs.23,96,290/- dated 01-07-2002 was deposited in the Court of District and Sessions Judge, Karimnagar on 03-07-2002 under Sections 30 and 31 of the Land Acquisition Act, and as and when the court decides the matter, the amount will be disbursed accordingly.

In view of the averments in the additional counter-affidavit filed by the fourth respondent, no further orders are required to be passed in this writ petition.

N.V. RAMANA, J

Date: 05-04-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of A.P., Irrigation & Command Area Development, dept., Secretariat, Hyderabad.
2 The Chief Engineer, & L& CAD, Minor Irrigation.
A.P., Hyderabad.
3 The Dist. Collector,
Karimnagar.
4 The Superintending Engineer I & CAD, Irrigation Circle,
Nirmal, Adilabad.
5 The MRO/LAO,
Yellareddypet Mandal, Karimnagar Dist.

6 Two Ccs. to the Government Pleader for Irrigation & Command Area Development, High Court Buildings, A.P., Hyderabad (OUT).

7 Two CD copies

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